

## **INTEGRATING ECR EVALUATION RESULTS INTO PRACTICE: A MULTI-AGENCY ECR EVALUATION PROJECT**

### **Project Overview**

As the demand for environmental conflict resolution (ECR) services and the supply of ECR practitioners expands, the need for improved accountability and reliable performance information grows. In response to this need the U.S. Institute for Environmental Conflict Resolution (the U.S. Institute), with financial support from the William and Flora Hewlett Foundation, crafted a multi-agency evaluation study. The study, which involves the creation of a multi-agency dataset of over 30 recently evaluated ECR cases, should shed light on 1) ECR performance, 2) what aspects of ECR best practices are most important for collaborative processes and conflict resolution to be successful, and 3) what practices need to be employed by ECR practitioners and program managers more effectively.

### **Project Evolution**

In 1999, the U.S. Institute for Environmental Conflict Resolution (U.S. Institute) and the Policy Consensus Initiative (PCI)<sup>1</sup> began an inquiry into the feasibility of developing program evaluation guidance for state and federal agencies and programs. In the Spring of 1999, U.S. Institute and PCI initiated an assessment and consultation phase that culminated in a two-and-a-half day gathering in mid-September in Tucson, Arizona (the “Tumamoc Hill meeting”). With the assistance of Juliana Birkhoff (of Resolve, Inc.) and Mette Brogden (at the Udall Center for Studies in Public Policy), a literature review was conducted and background materials were assembled on evaluation of public policy and environmental conflict resolution programs.

A workshop was convened with leaders from dispute resolution professionals, administrators of federal and state public policy and environmental conflict resolution programs and academic researchers. PCI invited state programs from Massachusetts (MODR) and Oregon (ODRC) with the expectation that they would be involved in the program evaluation initiative. After the meeting, the Indiana Conflict Resolution Institute agreed to support a future meeting and a call for papers that resulted in the edited book by Rosemary O’Leary and Lisa B. Bingham, “The Promise and Performance of Environmental Conflict Resolution.”

Subsequently, U.S. Institute and the two state programs, supported by PCI, began the task of selecting program evaluation consultants to help them with the design of their respective systems. Over the next year and a half, the three programs, their consultants, and PCI met three times and participated periodically in conference calls reporting their progress, discussing issues, exchanging instruments, and critiquing evaluation frameworks.

As U.S. Institute, MODR and ODRC began the implementation phase, efforts got underway to bring additional states into the project. The Florida Conflict Resolution Consortium (FCRC), the Mediation

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<sup>1</sup> PCI is a national, nonpartisan organization that works with state leaders – governors, legislators, attorney general, and state courts – to promote the use of consensus-building and conflict resolution practices to address difficult policy issues and achieve more effective governance.

and Conflict Resolution Office, located in Maryland's state court system, and the Ohio Commission on Dispute Resolution and Conflict Management became engaged in the initiative with assistance from PCI.

As PCI networked with state agencies, the U.S. Institute launched an evaluation outreach effort to assist other federal agencies. These efforts included making evaluation instruments, protocols and experience available to assist other agencies as they developed and implemented program evaluation systems.

In early 2003, upon the request of the U.S. Institute, the Office of Management and Budget added the Environmental Protection Agency, Conflict Prevention and Resolution Center (CPRC) as a named administrator of the U.S. Institute's evaluation instruments. The CPRC now uses the U.S. Institute's evaluation instruments to evaluate their alternative dispute resolution programs and projects. The U.S. Institute's 2003 outreach efforts also included the Federal Energy Regulatory Commission (FERC) and the Department of Interior's Office of Collaborative Action and Dispute Resolution (CADR). The U.S. Institute provided case evaluation services to FERC and the developing evaluation partnership with CADR may extend beyond case evaluation services, and mirror a relationship similar to the U.S. Institute/CPRC partnership.

### **Crossing a Milestone: Creating a Multi-Agency ECR Evaluation Dataset**

In Fall 2003, the U.S. Institute coordinated the identification and integration of a multi-agency data set of over 30 recently evaluated ECR cases. The data set draws on cases from the following agencies:

***Conflict Prevention and Resolution Center, U.S. Environmental Protection Agency***  
(Primary contact: William Hall, Conflict Prevention and Resolution Center)

***Federal Energy Regulatory Commission***  
(Primary contact: Kasha Helget, Dispute Resolution Specialist, FERC Dispute Resolution Services)

***Florida Conflict Resolution Consortium***  
(Primary contact: Chris Pederson, Coordinator Central Florida Office)

***Office of Collaborative Action and Dispute Resolution, U.S. Department of the Interior<sup>2</sup>***  
(Primary contact: Elena Gonzalez, Director, Office of Collaborative Action and Dispute Resolution)

***Oregon Dispute Resolution Commission***  
(Primary contact: Mike Niemeyer<sup>3</sup>, Executive Director, Oregon Dispute Resolution Commission)

***U.S. Institute for Environmental Conflict Resolution***

The number of data contributors was limited by the need to have consistent ECR case evaluation data across contributing sources. Given that the evaluation systems for the U.S. Institute, FCRC, and ODRC had benefited from the PCI collaborative and from guidance from the same evaluation consultant, Dr. Andy Rowe of GHK International, these evaluation instruments were sufficiently similar to facilitate this multi-agency evaluation study. The CPRC and FERC cases (and anticipated cases from CADR) were evaluated through the U.S. Institute evaluation program which facilitated relatively straightforward integration into the aggregate dataset.

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<sup>2</sup> CADR case evaluations are pending and the case data will be included in the analysis if available.

<sup>3</sup> Mike Niemeyer has moved to the Oregon Department of Justice.

## The Study Design and Analysis

Through a competitive bid process, the U.S. Institute engaged an independent three-member study team to assist the U.S. Institute conduct this study. This study team includes:

Bernard Mayer, CDR Associates,  
Julie MacFarlane, University of Windsor, and  
Thomas Miller, National Research Center, Inc.

Dr. Miller, the project's evaluation consultant, will conduct an aggregate analysis of the multi-agency case data. Drs. Mayer and MacFarlane, the project's researcher/practitioner team, will conduct and compile a literature review of recent evaluation and research findings pertinent to improving ECR. This will include, for example, the meta-analysis research conducted by Beierle and Cayford<sup>4</sup>, studies cited in the upcoming book on ECR research edited by Dr. Rosemary O'Leary and Lisa Bingham, and research generated by the Institute for Environmental Negotiation's research consortium on collaborative processes. The charge to this study team is to distill from this work the key findings on performance that are methodologically robust and will be potentially useful to practitioners and program managers working in the field. The findings from the multi-agency aggregate analysis will then be compared and contrasted with the findings in the published literature.

The types of questions to be addressed through this ECR evaluation effort (in both the aggregate data analysis and the review and synthesis of published ECR literature) include but are not limited to:

*What aspects of ECR best practices are most important for collaborative problem-solving and conflict resolution processes to be successful?*

*Which practices need to be employed more effectively by ECR practitioners and program managers?*

*What is the relationship between the degrees to which best practice factors are employed and whether or not agreement is reached?*

*What is the relationship between the complexity of cases (duration of the controversy, the number of parties, etc.) and the process and agreement outcomes?*

*What elements of the process influence participants overall satisfaction with the process?*

*Which of the services provided by the neutral(s) are most important in determining the parties' overall satisfaction with the neutral(s) and with the process?*

*To what extent does reaching agreement affect participants' satisfaction with the process?*

*In cases where full agreement is not reached, what factors influence (positively or negatively) satisfaction with the process?*

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<sup>4</sup> See Thomas C. Beierle and Jerry Cayford, Democracy in Practice Public Participation in Environmental Decisions, Resources for the Future, Inc., Washington, D.C., 2002.

*What factors influence the participants' perspectives on whether the ECR processes are better than any other processes they are aware of?*

*What elements of the agreement (flexibility, parties understanding of the key elements of the agreement, etc.) influence whether the participants feel the agreement will last?*

### **Creating and Disseminating “Usable Knowledge”**

The U.S. Institute has identified and invited a team of practitioners, program administrators, researchers and others to participate in a January 29-31, 2004 workshop. The workshop entitled “Integrating ECR Evaluation Results into Practice: A Multi-agency Evaluation Initiative” will be hosted in Tucson, Arizona. Prior to the workshop a draft study report based on the study team’s findings will be distributed by the U.S. Institute to the workshop participants. During the workshop it is the job of the participants to translate the study team findings into “usable knowledge” to be communicated to the field to improve practice. In February 2004, a final study report will be drafted incorporating the workshop findings and recommendations.

Once the final study report is prepared, a network of ECR trainers will be assembled primarily using the U.S. Institute’s roster of ECR practitioners. This network of ECR trainers will be used to solicit advice and contributions from trainers on how they address the matters raised in the final study report in their training activities. Based on the feedback from the ECR trainer network and findings in the final study report, an orientation session for trainers and a demonstration-training module for practitioners and program managers will be developed.

Ultimately, the knowledge generated through this project is explicitly intended to contribute to the overall achievement of improved performance in ECR practice. Dissemination of information from this project will take the form of an orientation session for trainers and the development and distribution of the demonstration-training module. It will also involve the distribution of the study reports (draft and final) through the U.S. Institute roster system, and other vehicles and venues available through cooperating entities.

***The U.S. Institute is very grateful to the Hewlett Foundation, PCI, the partnering federal and state agencies, and the many others who have contributed to making this project possible.***

### **For more information contact:**

Patricia Orr  
Program Evaluation Coordinator  
U.S. Institute for Environmental Conflict Resolution  
130 S. Scott Ave.  
Tucson, AZ 85701  
[orr@ecr.gov](mailto:orr@ecr.gov)  
(520) 670-5658